

## **REMARKS**

In the April 22, 2004 Office Action, pending claims 1-16 were rejected pursuant to the judicially created doctrines of obviousness-type double patenting, 35 USC § 112-second paragraph, and 35 USC §103(a). Claims 1-16 have been currently amended to claim the subject matter of the invention in a manner to address the rejections as detailed in the Office Action.

### **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-13 are rejected due to obviousness-type double patenting against claim 1 of Vittone (U.S. Patent 6,627,832). While not conceding that double patenting exists, Claims 1-13 have been currently amended to claim the invention in a manner not identical to Claim 1 of Vittone '832. In particular, the power source of the welder is adjusted within a range of approximately 100 to 185 kilowatts as part of the method to form a fusion weld joint having a flare bevel groove.

### **SECTION 112 REJECTIONS**

Claims 8, 15, and 16 were rejected for not particularly pointing out and distinctly claiming the invention. Current amended claim 8 has been rephrased as a Markush group so that there isn't a limitation to the selection of one electrode type. The antecedent basis problems for claims 15 and 16 have been cured by currently amended claim 14.

Applicants respectfully submit that the currently amended claims as cited above particularly point out and distinctly claim the invention.

### **SECTION 103(A) REJECTIONS**

Claims 1-4 and 6-16 were considered to be unpatentable over Nordgren (U.S. Patent 3,364,711) taken with Nordgren (U.S. Patent 3,370,711). Claim 5 was considered to be unpatentable over Nordgren (U.S. Patent 3,370,150) taken with Nordgren (U.S. Patent 3,364,711) and in further view of Nordgren (U.S. Patent 3,143,630). Additionally, the Office Action further

considered that claim 5 was made obvious in view of the teachings of Sohn et al. (U.S. Patent 3,143,630).

Without conceding that claims were not patentable, Claims 1-16 have now been amended to obviate the rejections based upon the above cited references. Claim 1 is amended in that the power source of the welder is further described to being adjusted within a range of approximately 100 to 185 kilowatts as part of the method to form a fusion weld joint having a flare bevel groove. None of the cited references teach or suggest this range. If this range is taught, applicant respectfully requests that the Examiner specifically identify the column and lines where each reference does so teach.

Claim 14 is amended to include an assembly system wherein the welded rebar panels comprise at least one fusion weld joint having a flare bevel groove. Neither of the Nordgren references or the Sohn reference teach or suggest a welding method or assembly system of producing fusion weld joints in rebar having a flare bevel groove. None of the cited references teach or suggest a rebar panel assembly system wherein the rebar panels comprising at least one fusion weld joint having a flare bevel groove. If this is taught, applicant respectfully requests that the Examiner specifically identify the column and lines where each reference does so teach.

Applicants respectfully assert that claims 1-16 as currently amended particularly point out the patentable features of the present invention. Applicants respectfully submit that currently amended claims 1-16 are patentably distinct over the cited prior art and earnestly request allowance.

25315

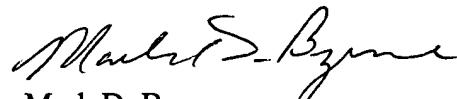
CUSTOMER NUMBER

## CONCLUSION

Applicants respectfully request withdrawal of the rejections, allowance, and early passage of claims 1-16 through issuance. If the examiner has any questions, the examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Mark D. Byrne  
Registration No. 50,125  
Direct Dial: 206.957.2481

## MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 20, 2004

Date of Deposit



Myla Kent

25315

CUSTOMER NUMBER

GLBL-1-1004ROA

- 7 -

BLACK LOWE & GRAHAM<sup>PLLC</sup>



701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301